

Public (1895) Department.

ORDINARY MS.

G.O., No. 88

DATED 4th Feb. 1895

INDEXED.

[Despatch Abstract.]

REFRACTORY SEAMEN.

Informing the Government of India that this Government is of opinion that the Crown Agents for the Colonies may conveniently be vested with power to land---at a port of call, and that Negroes and Mulattoes should not be employed on board emigrant vessels.

At.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	835		1895				

[Faint handwritten notes in the left margin, mostly illegible.]

[9]
1,000-25-10-94.

Current No. 3700

Public DEPARTMENT.

From

The Govt of India
R. & A. Dept.

No. 3155
82

Dated 12-12-94

Received 17.

Regd 18.

Enclosures 1. 155. c.
of the incl.

SUBJECT.

Forwds, for the opinion of this Govt,
a copy of a despatch from the Secy
of State for India re: a proposal
of the Crown Agents for the colonies
that they should be vested with
the power to land refractory sea-
men from emigrant vessels at
a port of call & enquiring if the
Ind. Govt. would modify their recom-
mendation that the employment
of Negroes or Mulattoes on vessels
in the emigration service
should be prohibited.

Pub. No. 812 D 29-10-94

and No. 25/3/21-12

Referred to the Pro-
tector of Emigrants
for report ^{which should be} ~~through~~
^{submitted to}
the Presidency Port
officer ^{who will forward it to Govt} ~~in view of his~~
^{with a report from his assistants} ~~recommending~~
on the question raised & para
submitted also.
2 of the letter of the 8th.

10 21/12

Chief Secretary

25/3
19/12

Protector of Emigrants.

Copy with Presid. Port-officer.

25/12

No. 3153
82

From

E.D. MacLagan, Esq., C.S.,

Under-Secretary to the Government of India,

To

The Secretary to the

Government of Madras.

Department of
Rev & Agri.
(Emigration)

Calcutta, the 12th December 1894.

Sir

In continuation of the correspondence ending with your letter No. 812 dated the 29th October 1894, I am directed to forward a copy of a further despatch received from the Secretary of State regarding a proposal of the Crown Agents for the Colonies that they should be vested with the power to land refractory seamen from Emigrant vessels at a port of call.

2. I am to request that the Government of India may be furnished with the opinion of His Excellency the Governor in Council on the proposal, and at the same time to enquire whether in view of the facts brought to notice in the present correspondence, the Government of Madras would wish to modify their recommendation that the employment of Negroes or Mulattos on vessels engaged in the Emigration service should be prohibited.

I have the honour to be,

Sir,

Your most obedient servant,

W. MacLagan

Under-Secretary.

FILE No. 82.

SERIAL No. 4.

No. 101 (Public—Emigration), dated India Office, London, the 18th October 1894.

*From—Her Majesty's Secretary of State for India,
To—The Government of India.*

IN continuation of my Despatch No. 79, dated 16th August last, I forward, for the consideration of Your Excellency in Council, copy of a letter, with enclosures, from the Colonial Office, respecting the desire of the Crown Agents for the Colonies to obtain power to land refractory sailors from coolie emigrant ships at a port of call.

2. It appears to me to be questionable whether it would be expedient to adopt the proposal, but I should be glad to have the views of Your Excellency's Government on the subject.

Dated Downing Street, London, the 1st October 1894.

*From—The Under-Secretary of State for the Colonies,
To—The Under-Secretary of State for India.*

I AM directed by the Marquess of Ripon to transmit to you, to be laid before the Secretary of State for India, a copy of a letter from the Crown Agents for the Colonies, enclosing a copy of a correspondence with the Board of Trade respecting their desire to obtain power to land refractory sailors on coolie emigrant ships at a port of call.

I am to request to be informed whether the Indian Government would consent to the discharge of Negro sailors at Calcutta. I am to state that it would not be possible for this Department to put constraint upon the authorities at the ports of call in a Colony possessing responsible Government to consent to receiving refractory sailors, whether white or black, whom the authorities of the ship may wish to discharge there, and the authorities at Cape Town would probably refuse, and those at St. Helena would probably be reluctant to allow them to be landed even with the guarantee suggested at the end of the Crown Agents' letter.

Dated Downing Street, London, the 24th September 1894.

*From—E. E. BLAKE, Esq., Crown Agents for the Colonies,
To—The Under-Secretary of State for the Colonies.*

REFERRING to our letter of the 16th and to your reply of the 30th of July, I have the honour to transmit, for the consideration of the Secretary of State, copies of the correspondence which we have had with the Board of Trade with respect to our desire to obtain power to land refractory sailors on coolie ships at the port of call.

It would appear that this cannot be done without the assent of the shipping authority at the port of call, and experience has shown that that authority cannot be relied upon so far as St. Helena is concerned.

The suggestion of the Board of Trade that the charter should prohibit the employment of Negro seamen, with whom must be included Mulattos as we understand that they are as troublesome as Negroes, could not be adopted without consultation with the Government of India, as it would be obviously unfair to the contractor to prohibit the employment of Negroes unless the shipping authorities at Calcutta were also instructed to allow such men to be discharged at that port.

I beg therefore to suggest that the papers should now be communicated to the Government of India in order that their views may be obtained on the subject, and if their decision should be that the employment of Negroes cannot be prohibited, we would suggest that a clause should be inserted in the Charter Party of coolie vessels giving the Surgeon Superintendent power to require the master of the ship to discharge a refractory sailor at the port of call, the shipping authorities of the port being also given instructions that they are in such cases to give their sanction to the men being landed. The Charter Party might also contain

15 copies of the papers by post to India

a provision, if thought necessary, requiring the master of the vessel to give security for the repayment of the expenses which might be involved in sending the man home, or to some other port as required by the Merchant Shipping Act.

Dated Downing Street, London, the 2nd August 1894.

From—E. E. BLAKE, Esq., *Crown Agents for the Colonies,*
To—Assistant Secretary, Board of Trade, Marine Department.

I HAVE the honour to request the opinion and advice of the Board of Trade in connection with the employment of Negro sailors on board coolie emigrant vessels. Such men have been found by experience to cause much difficulty and trouble in consequence of their tendency to molest and interfere with the female emigrants, and the Surgeons Superintendent, at a recent Conference, have recommended that the employment of Negroes and Mulattos in any capacity on such vessels should be prohibited. The contractor for the supply of shipping, on the other hand, represents that he employs such men not from choice but from necessity, as the men are shipped by his vessels in the United States when loading with mineral oil for Calcutta, and that on arrival there it frequently happens that he is not allowed by the shipping officers to discharge the men who thus form part of the crew of vessels carrying coolies from Calcutta to the West Indies.

On a recent occasion it was found impossible to punish a man who had flagrantly misbehaved himself owing to the absence from the ship's articles and the Charter Party and rules of the Indian Government of any provisions for inflicting penalties for such offences, and the doubt which arose as to the power of the master of the ship to discharge refractory sailors at a port of call.

In these circumstances we had proposed to insert a provision in the Charter Party giving power to the Surgeon Superintendent to require the master of a vessel to discharge refractory sailors at the first port of call, but the contractor has been advised by his solicitors that he could not deal with the men in this way as the ship's articles must not contain any provisions contrary to law.

I beg therefore to request the advice of the Board of Trade in the matter and to say that meanwhile we have required the contractor to insert in the articles of all ships employed in the coolie emigration service the following provision which has hitherto appeared in the articles of his own ships only, *viz.*: "Any member of the crew molesting or interfering with the coolie passengers will be fined, for the first offence ten shillings, and for each subsequent offence one month's pay."

Such a provision by itself is not, however, sufficiently deterrent, and we desire to secure, if possible, power to require the landing of refractory sailors at the port of call as otherwise there is no alternative but to carry such men on to the end of the voyage and to keep them in irons which is of course unsatisfactory.

I enclose for reference one form of Charter Party and of the rules of the Government of India under which the vessels are chartered.

Dated 7, Whitehall Gardens, London, S. W., the 14th August 1894.

From—A. D. BERRINGTON, Esq., *Assistant Secretary, Board of Trade, Marine Department,*

To—The Crown Agents for the Colonies.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 2nd instant, requesting the opinion and advice of this Department in connection with the employment of Negro sailors on board coolie emigrant vessels, with especial reference to your desire to secure power to require the landing of refractory sailors at a port of call.

In reply, I am to call your attention to the provisions of section 267 of the Merchant Shipping Act, 1854, under which masters of British ships are prohibited from discharging or leaving abroad any seaman or apprentice except with the sanction of the British Consular or other officer as shown therein, and to state that the Board of Trade have no power to waive compliance with the enactment in question.

I am at the same time to suggest, for your consideration, that the difficulty referred to in your letter might be met by the insertion in the Charter Party of a clause binding the contractors not to employ American or other Negro seamen, though I am to state that the Board are advised that to include Mulattos in this prohibition, as proposed by the Surgeons Superintendent, would exclude many excellent seamen, notably those known as Manilla men.

Government of India Central Printing Office. — No. 762, D. B. A. — 12-12-94. — 100. — F. C. C.

Public (1894) Department.

(EMIGRATION.)

From

THE PROTECTOR OF EMIGRANTS,
Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,
PUBLIC DEPARTMENT,

Fort St. George.

His Presidency Post Office
Madras

No. 5

Dated

Despatched

Received

9th
10th } *January* 1895

ENCLOSURES.

Re.

Subject.

Submitting his opinion regarding the power to land refractory seamen from emigrant vessels at a port of call and the employment of negroes on vessels engaged in the emigration service.

5
14 6
Enclos. 1
C. No. 150

No. 5

OFFICE OF THE PROTECTOR OF EMIGRANTS,
Madras, 9th January 1895.

From

E. Turner Esq.

ag. PROTECTOR OF EMIGRANTS,
Madras,

To

The Honble Mr. J. F. Price

CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

Fort St. George.
This the Presidency Port Officer
Madras

SIR,

In reply to memorandum no 2573
dated 31st December 1894, I have the honor
to state that the Crown Agents may, with
convenience, be vested with the power to
land refractory seamen from emigrant
vessels at a port of call. This power should
be delegated to the Surgeon Superintendent
of the vessel and this officer should call
upon the master thereof to discharge a
refractory sailor at the port of call, the
Shipping Authorities of the port being instructed
to sanction the landing of such a man.
Proper arrangements should also be made
to secure the man on board during the voyage.

The master should give security that
he will undertake to bear all the Expenses
of returning the Culprit Sailor to his destination.
2. In regard to the employment of negroes
or Mulattos on Vessels engaged in the Emigration
Service I am of opinion that they should not
be employed.

I have the honor to be
Sir

Your most obedt Servant

ME

J. J. J. J.
Agent for Emigrants

Heading.

No. 1097-9
14

11
PRESIDENCY PORT OFFICE,
Madras, 23rd January 1895. 280

From Commander W. Powell, B. I. C.
THE PRESIDENCY PORT OFFICER,

MADRAS,

To

THE CHIEF SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

FORT ST. GEORGE.

SIR,

With reference to Public Department
Memorandum No 2573, dated 31st December
1894, I have the honor to forward herewith
letter No 5 dated 9th January 1895, from
the Protector of Emigrants and to state
that I concur in the recommendations
made by him.

I have the honor to be.

Sir,

Your Most Obedient Servant

Walter B. B.

Commander B. I. C.

Presidency Port Officer.

mxl

250
Public Marine (1895) DEPARTMENT.

From
THE PRESIDENCY PORT OFFICER,
Madras,
To
THE CHIEF SECY. TO GOVERNMENT,
MARINE DEPARTMENT,
Fort St. George.

No. 1097
17

Dated 23rd }
Received 25 } January 1895.

CHIEF SECRETARY
No 25 JAN 1895
GOVERNMENT OF MADRAS

Subject.

Emigrants.

Forwarding letter from
the Protector of Emigrants,
Madras, No 5 of 9.1.95
concurring in the recommend-
ations by him.

13 No. 2 of 4 Feb. 95

20
2-4-95
Despatched to the G. of India
Dept of Rev. and Agri

DESPATCHED
7 FEB 95
IN M.S.

Sir,

In reply to Mr Mac-
lagan's No. 3155 of the
12th Dec: last I am
directed to inform you
that this Govt. agrees
with the Protector of
Emigrants and the
P. P. O., Madras, who
have been consulted
in the matter, that the
Crown Agents for the
Colonies may conven-
iently be vested with
power to land refractory
seamen from emigrant
vessels at a port of call.
The power should be
delegated to the Surgeon
Supt: who should call
upon the Master of the
vessel to discharge the
man and to instruct
the shipping authorities
of the port to sanction
his being landed.

20
1-2-95

2. Proper arrangements should be made on board for securing refractory seamen until a port is reached, and the Master should give security that he will not attempt to bear the expenses of the man's conveyance to his destination.

3. This Govt is unable to modify its previously expressed opinion that negroes and mulattoes should not be employed on board emigrant vessels.

45B
30/11
31/11/95

Refractory seamen

Govt. H. W. Bliss C. D. C.

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189.

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only